

EXHIBIT 7

Scrivani, Stacey A.

From: David Hammer <DHammer@hfslawyers.com>
Sent: Tuesday, October 22, 2013 7:52 PM
To: Scrivani, Stacey A.; Wolfson, Joseph
Cc: Pennington, Nicholas; Harry Waddell; Christina Bernhard
Subject: RE: Mawing v. PNGI // stall count, Barr/Wratchford payments, statutory interest rate

Stacey & Joe,

With regard to Wratchford's payment of stall rent I looked at Respondent's Exhibit R35. It shows 10 months of stall rent totaling \$5,100. However, with regard to Barr, R47 doesn't show Barr paying any stall rents. Are you aware of someplace else in the record that contains this info?

So, with regard to Partial Final Award Issue 12 here's where I am with regard to the actual damages for stall rent: \$145,286 (claimed damages) - \$3,300 (1 stall reduction for all of 2011: 1 stall x 275/month x 12 months) - \$5,100 (Wratchford) + \$7,425 (9 stalls x 275 x 6 months for the period 7/2013 thru 12/2013) = \$144,311 net.

Assuming for the moment no further reduction for Barr's stall rents, in order to calculate interest due for each Stall Period from the end of the Period I will proportionately weight the net total of stall rents for each of the 12 Stall Periods spanning from May, 2008 to Dec. 31, 2013, i.e., 4 stalls for four months for Stall Period 1: May to August 2008; 9 stalls for the 4 months for Stall Period 2: Sept. to Dec. 2008; 8 stalls for 6 months for the two Stall Periods in 2011; and 9 stalls for 6 months for each of the remaining 8 Stall Periods.

Here's an example for Stall Period 1 – May to August 2008:

$(4 \text{ stalls} \times 4 \text{ months}) / 580 \text{ (sum of the products of months multiplied by the number of stalls at issue for each of the 12 Stall Periods)} = X / \$144,311 = \$3,980.99.$

The applicable interest rate for 2008 was 8.25%. Using the last day of the period per the Arbitrators' decision, the number of months of simple interest on which statutory interest on \$3,980.99 should be calculated is from 9/1/2008 to 12/31/2013 which is 64 months. So, for Stall Period 1 the principal due is \$3,980.99 plus \$1,751.64 interest $[(3980.99 \times .0825 \times 64) / 12 \text{ months/yr}] = \$5,732.63$. For Stall Period 2 (Sept to Dec 2008) the number of months will be 60 but for each successive Stall Period the number of months will be reduced by 6 until Stall Period 12 when the number of months of interest will be zero.

Please let me know if you have any disagreement with this formulation – I believe that subject to being a few pennies off due to rounding it is exactly correct. But I do need the Barr offset to calculate the net stall rent due.

Thanks,

David Hammer

From: David Hammer
Sent: Tuesday, October 22, 2013 5:16 PM
To: 'Scrivani, Stacey A.'; 'Wolfson, Joseph'
Cc: Pennington, Nicholas (NHP@stevenslee.com); Harry Waddell; Christina Bernhard
Subject: Mawing v. PNGI // stall count, Barr/Wratchford payments, statutory interest rate

Stacey & Joe,

In looking back through the Mawing stall applications that were introduced and admitted, I see only two applications in which Mawing requested fewer than nine stalls: C-24 [first half of 2011 – 8 stalls requested] and C-25 [2d half of 2011 – 8 stalls requested]. For purposes of calculating stall rent can we agree that for all other periods she requested at least nine stalls?

Also, I recall that you had worked on the issue of Barr/Wratchford payments for stall rent. Can you provide that info again to me with the hope of reaching agreement on that offset?

Finally, pursuant to WV Code § 56-6-31 and the attached order from the WV Supreme Court, the interest rate applicable to the contract damages claim is 8.25% simple per annum. This is because Mawing's right to bring a claim for discrimination arose in 2008. Please let me know whether you agree.

I will take all of this information and assemble a spreadsheet.

Thanks and hope all else is well,

David M. Hammer, Esq.
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